we intend to analyse, at some future time, an accumulation of them.

The discussions of the Medico-Psychological Society have been entirely confined to the continuation of the previous discussions of last year, on hallucinations. Strictly speaking, hallucination is a vice of special sensational perception, and the chief question discussed was, as to whether it is an altogether abnormal, or only the exaggeration of a normal phenomenon. Neither is the term, nor the phenomena itself, so well understood on this side the channel as it ought to be; but one point is strongly insisted upon, and is of importance in its connection with insanity, namely, its compatibility with sanity, *i. e.*, the correction by sense and reason of its delusive occurrence. The discussion points out clearly the difference between the phenomenon of hallucination, and the state of dreaming, the action of ordinary imagination and real sensation.

J. H. BLOUNT.

The Trial and Execution of William Palmer.

THERE is little in this event of particular interest to our section of the profession. Throughout the whole course of the proceedings, no trace of mental disease or infirmity was observable in any of the principal actors. Our section of medical science is too important, and already too extended, to render either desirable or profitable the discussion of things in general, under what are called psychological aspects. The intensely excited curiosity of a whole nation is, indeed, an object of psychological interest. The amount of mental effort, of eloquence, learning, and skill, brought to bear upon the conviction of one wretched criminal, the evidences of whose guilt appeared, to unbiassed judgments, superfluously abundant, have presented a strange disproportion of means to an end, and have seemed to dramatize as it were the course of justice, and to apotheosize on his bad eminence, the principal actor. We cannot doubt, that had Palmer's case been of a nature to attract little public attention, half-a-dozen of the witnesses examined would have been amply sufficient to have insured his conviction in the ordinary course of justice. We cannot doubt that such a conviction would have had a more beneficial effect upon the mental health of the community,

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than the morbid excitement into which it has been thrown, partly by the fearful nature of the crime itself, and partly by the extraordinary steps which have been taken to insure the ends of justice: the act of parliament, the array of judges, the noble and illustrious visitors, the open court of justice filled by the holders of tickets of high price, and the many other circumstances that have distinguished this trial from the simple and solemn proceedings usual in English courts.

This trial has illustrated, in a remarkable manner, the fact that the proceedings of English criminal courts partake far more of the nature of a dialectic contention, than of a scientific investigation. This fact, which is so frequently and painfully evident in trials which involve the question of lunacy is, in our opinion, the greatest defect in our whole system of legal procedure. In Palmer's trial, we see witness after witness giving evidence in the most obvious spirit of partizanship; men of science juggling with their judgment, and setting at nought their most solemn obligations, for the purpose of rescuing one of the darkest criminals who has ever polluted this English soil. We see, moreover, a distinguished member of the bar, one standing next in rank to the judges of the land, and one who may himself aspire to that high dignity, we see Serjeant Shee assuring the jury, on his conscience, that he personally believes the prisoner to be innocent of the crime imputed to him. Psychologically, this assurance is more interesting than the differentiation of strychnism and tetanism, or the cumulative and overwhelming power of circumstantial and scientific evidence, which could not leave the shadow of a shade of doubt of Palmer's guilt, in the mind of any one capable of exercising a judgment free from the influence of passion and interest.

Is Mr. Serjeant Shee incapable of exercising a dispassionate judgment? Or did he state to the jury, on his honour and his conscience, that he entertained a belief which he did not entertain? Lawyers will feel inclined to refer this astounding assertion to what is called the licence of counsel. At all events, this is the view which was taken by the clear-headed old Chief Justice, who instructed the jury that it was merely a form of speech, and that they must not attach to it the slightest weight or consideration.

In the trial of the murderer Courvoisier, the leading counsel for the defence, Mr. Phillips, assured the jury, in terms as emphatic as those employed by Mr. Serjeant Shee, that he believed in the innocence of the prisoner, and he did this *after* the prisoner had made to him a full confession of

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his guilt. The course taken by Mr. Phillips was defended on the ground of the licence allowed to counsel; the course taken by Mr. Serjeant Shee may be defensible on the same grounds.

But what an insight does this afford into the morâle of the legal profession? It may, and undoubtedly does, comprise a large number of men personally animated by the highest sentiments of honour. But if the rules of the profession permit and approve practices which are inconsistent with such sentiments, it is impossible that the spirit of the whole profession can fail to be deteriorated. Such an event would be a public calamity, not only by its immediate influence upon a large and influential body of English gentlemen, but from its tendency to corrupt the very sources of justice; for if a low morâle prevails at the English bar, what guarantee can we possess for unswerving integrity of judgment on the bench? A stream cannot rise higher than its source, and the ethics of the English judgment-seat cannot be more elevated than those of the noble profession of which it is the exponent, and from which it receives its personal recruits. It is a matter, therefore, of the highest importance to the whole community, that the English bar should be governed by rules, and actuated by principles consistent with the nicest sense of honour, and the strictest maxims of justice.

The Medical Evidence adduced at the trial was indeed remarkable. That for the prosecution was remarkable for its uniformity and its logical consistency; that for the defence was remarkable for its diversity, and extraordinary inconsistency. The Attorney-General commented in terms of well-deserved severity upon the latter; we do not think, however, that he was altogether just in designating it "traffic evidence." The conscientious belief of Mr. Serjeant Shee, may or may not have been of the venal kind, but we apprehend that the motives which dictated the heterogeneous mélange of medical opinions elicited in Palmer's defence were as diverse as the opinions themselves, and were for the most part not of a venal character. Some men were actuated by the love of theorizing, some by the love of novelty, others by the love of notoriety. Men, who were wasting their science upon the desert air of some obscure district, were not unwilling to make themselves known to fortune and fame, by medical imaginings of the most surprising nature. Epilepsy with tetanic complications, tetanus from angina pectoris, and such like dreams, must have been suggested by some strange motive. Professional

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rivalry, also had, doubtless, a large share in giving force to the "springs of human action." Mr. A is the rival of Mr. B in the toxicological department of chemistry. He is not the man to throw away so admirable an opportunity of letting the public know that he is the ablest toxicologist in the world, and that the government has been in error in employing a purblind analyst, who could not discover six grains of a substance of which he, Mr. A, can easily discover the fifty-thousandth part of a grain, that he, in fact, is three hundred thousand times more acute and clever than the toxicologist whom the government "delighteth to honor." We have been somewhat surprised that since the trial Professor Taylor has not challenged his extremely confident rivals to a demonstration of their skill; not indeed, to a demonstration of the fifty-thousandth part of a grain, which is a quantity requiring a homœopathic power of imagination to conceive; but to demonstrate the existence of any quantity of strychnine in the blood and tissues of an animal poisoned therewith. We would suggest that blood taken from some half dozen dogs, one of which has been poisoned by a small dose of strychnine, should be submitted to them for analysis, in order that they may demonstrate which sample of blood was taken from the poisoned animal.

Professor Taylor has long occupied a high position in the estimation of the public, as to his skill and experience in all that relates to legal medicine; but his supposed attainments are somewhat too various to justify the belief that he is a perfect master in all the numerous departments in which he is cited as the highest authority. He is equally appealed to in questions of insanity, in questions of pregnancy and abortion, in those of surgical injuries, and in many others of equal importance; and it is impossible that he can devote that amount of time and attention to the difficult and arduous study of analytical chemistry, which success in this most jealous of sciences imperatively demands. What guarantee, therefore, have we, that Professor Taylor did employ all the resources of chemical investigation? What assurance that the analysis of Cook's stomach was not bungled in a manner resembling the first examination of the body, when the very organ which physiology indicates as the centre of the seat of strychnism and tetanus, was actually not looked at?

If the records of this trial teach us anything, they teach us the absurdity of adhering to the present hap-hazard system of inquiry. It is a matter of the most perfect chance whether

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the body of a person supposed to have met with his death by unfair means, is examined anatomically and chemically, by men of dispassionate uprightness and of adequate skill, or by men who possess neither the one nor the other of these qualifications. Palmer was glad that Dr. Harland was asked to examine the body, and not some other medical man who entertained ill-feelings towards him. Dr. Harland's examination was merely a negligent one, from which the public were more likely to sustain injury than the accused. It might have been otherwise, and the possibility of either event, loudly demands a change in the whole system of procedure.

When the anatomical examination had been made, the stomach and its contents were submitted to Professor Taylor, not because he was selected by the government for this most responsible duty, but because some solicitor recommended him to the step-father of the deceased, as a competent and trustworthy chemist. The step-father, Mr. Stephens, was indeed a man of rare intelligence and discretion, and the public owe to him a deep debt of gratitude for arresting the career of William Palmer. Who can tell what other lives might not have been sacrificed, had not the shrewd common sense of Mr. Stephens seen deeper into the meaning of medical symptoms, than the educated experience of Mr. Jones. Mr. Stephens was honoured by a most uncalled-for attack from Mr. Serjeant Shee, but public opinion estimates him, not only as a man of remarkable intelligence, but as a gentleman whose whole conduct throughout the distressing circumstances in which he has been placed, has been distinguished by true-hearted affection for his unhappy relative, and by the greatest consistency, prudence, and fairness. Mr. Stephens was not a man likely to make an altogether injudicious selection of a chemist; but it might have been otherwise, and the arduous and delicate application of chemical re-agents, upon which the safety of a community, or the fate of the accused depended, might have been intrusted to the most untrustworthy, the most rash, or the most ignorant of the men who call themselves chemical adepts. Surely this ought not to be, in difficult questions of such vast importance to the community; the government ought to direct the proceedings, and to select the instruments; the government ought to appoint competent and skilful men to conduct the chemical and anatomical investigations, and every step in these investigations ought to be faithfully recorded, and the records to form part of the legal process.

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Nay, more, these investigations ought to be conducted with a certain amount of publicity, to ensure both the public and the accused against the results of ignorance, negligence, or malevolence. A criminal trial should be an investigation, and not a contention; public officers should be appointed to superintend the whole process of investigation in an investigating, and not in a prosecuting, spirit.

A few years since, men were accused and condemned upon appearances merely, strengthened by appeals to the fears and the interests of the public. Science could afford but little aid of any value. But for many years, the importance of science in a vast number of criminal trials has been of rapid growth. Advocates have not yet ceased to appeal to the prejudices and passions of jurymen, and we are still therefore in a transition period between declamation and ratiocination. But the tide sets strongly against the old methods compounded of hap-hazard and of routine, and the time cannot be long deferred for changes of the greatest importance in the whole process of criminal procedure.

We heartily wish that we could close these remarks without referring to the history of the accused after he had become a condemned culprit. There is, however, a psychological question, and a painful circumstance upon which we cannot be silent. The question we would raise is, to what extent it is right that a condemned criminal should be urged to confess to a fellow being the perpetration of his crime and the justice of his sentence? It is related that from the time of his sentence to the very moment when he ascended the scaffold, Palmer was persuaded, intreated, implored day by day, almost hour by hour, to confess his crimes, not to God, but to man. He sternly refused to confess, and this victory if we may so call it, has, we venture to affirm, had the most prejudicial effect upon the public mind. Vast numbers of people have been led to forget his atrocious crimes in contemplating with secret, but not less real sympathy the undaunted courage with which he met his doom. Vast numbers of people have even been led to entertain doubts of his guilt, from the anxious and pertinacious demand for confession, and from the steady denial with which it has been met. To ask for confession in the manner in which it has been implored in this case is likely to convey to the half-reasoning multitude a strong impression that his judges are dissatisfied with the proofs of his guilt. We are convinced that no circumstance has had half the influence in creating doubt of Palmer's guilt, as the assiduous solicitation, we may

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almost say persecution, for confession, to which he has been exposed. Doubtless, it would be consolatory to judges and jurymen that all murderers should confess before execution. But if sentence has been passed, after that amount of demonstrative proof, which alone can justify the extreme sentence of the law, judges and jury ought to be satisfied with the conviction that they have done their duty. The language of the law is, or ought to be, "your guilt *is* proved, you have nothing to confess." To crave for confession as a necessary justification to the conscience is an unmanly and sentimental weakness. But was Palmer bound to confess? and did he increase his moral guilt by refusing? If he went out of the world with a lie upon his lips, he did undoubtedly increase his guilt thereby. But had he simply refused to plead at the bar of conscience to which he was cited in his condemned cell, it is by no means certain that he would thereby have increased his guilt before the Great Judge of quick and dead. If by refusing to confess he did not withhold any restitution to those he had injured; if by refusing to confess to his fellow man he did not infringe any command of his Maker, he could scarcely augment his guilt.

The confession of a condemned criminal may be the bowing down of the contrite and humbled spirit. It may also be the indifferent resignation of a secret no longer of value, or even a daring and reckless bravado. The confessing criminal may be no penitent. The non-confessing criminal may possibly be truly penitent. He may think wrongly perhaps, but honestly, that his confession will injure those dear to him, more than his sentence can injure society. Circumstances may be conceived, in which public confession might even be a moral crime.

The Church of Rome demands confession, not from felons alone, but from all men; not for the sake of society, but for that of the sinner; not as a pendant upon criminal justice, but as a part of religious duty, in return for which, the priest, as the representative of the Deity, confers absolution and forgiveness. The Protestant doctrine is widely different.

There is, moreover, this important distinction between the confessional of Catholic and Protestant criminals. The former is received under the most sacred obligation of secrecy, the latter is extorted for the purpose of publication. The chaplain who refused to publish Tawell's confession was bitterly censured. The catholic priest then confesses his penitent in obedience to the principles and precepts of his church; but the protestant clergyman who attempts to extort

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confession by denunciation and anathema, acts in direct opposition to the spirit which animates the whole body of protestant christians. If auricular confession is an unprotestant practice, it is so in great crimes and in little ones. If it is granted that auricular confession may be imposed upon great criminals under penalty of God's vengeance upon recusants, the box of the confessional will soon reappear in our churches, the inmost thoughts and most hidden feelings of our wives and daughters will become matters of clerical investigation.

Such being our opinion on the principle of confession, we must with pain and reluctance express our surprise at the nature of the parting scene between the wretched criminal and the reverend gentleman who was appointed to comfort and instruct him during his last hours of mental anguish. The following is the account given by an eye witness, *The Times* reporter: "At this moment all the preparations were complete; the unhappy man was pinioned; the executioner was standing by him, and nothing was required but the signal to move forward to the scaffold. The chaplain in the most solemn manner exhorted him to admit the justice of his sentence. The prisoner firmly replied that it was not a just sentence. 'Then' said the chaplain, 'your blood be upon your own head.' To this observation the prisoner made no answer."—*Times' Report*, June 16th, 1856.

The rev. gentleman had laboured strenuously to obtain a confession of guilt, he had preached a sermon so impressive that it had dissolved the obdurate man into tears, but it had also driven him from again partaking in the services of the church. The chaplain was greatly mortified at the failure of his efforts; but at the last awful moment, surely it was not in the exercise of christian forbearance or charity, that the chaplain parted from the wretched criminal with the above denunciation. Even the parting words of the judge who bears the sharp sword of the law, are by comparison merciful and humane: "May the Lord have mercy upon your soul. Amen."

It is only a few years since the chaplain of the Warwickshire gaol, held the hand of a woman condemned to death over the flame of a candle, telling her that the pains of hell were like the pain she then felt, extended over the whole body, and lasting for ever. This shocking act might have some excuse in its supposed utility; it was employed to arouse the stolid indifference of a thoughtless and ignorant creature. But the act of the Rev. Mr. Goodacre was ob-

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viously useless, from the circumstance of time under which it took place. It is probable, moreover, that the reverend gentleman went the very worst way to obtain his end. Palmer was a man of remarkable firmness, and his obstinacy was stimulated by the attacks of the chaplain. The only probable method of obtaining a confession from him was to abstain altogether from asking for it, and to soften his heart by those means which none can employ so well as the true-hearted ministers of Him who promised more than pardon to the thief upon the cross.

Moreover, the denunciation itself was an absurd *non sequitur*. Palmer said, "my sentence is *not* just." Then said the chaplain, "your blood be upon your own head." Now his blood could only have been upon his own head, because his sentence was just, or because the refusal to confess was itself a crime worthy of death.

An event like Palmer's trial tries many men. It also brings before the tribunal of public opinion, many callings and professions. The profession of medicine is said to have suffered from the publicity given to the fact, that it contains men whose conscientiousness, or judgment, are not of the strongest fibre. But the profession of law has not come off scathless. To say nothing of Mr. Jeremiah Smith, there is the coroner, Mr. Ward, who certainly cannot be called a just and upright judge. Then there is also Mr. Thomas Pratt, a London solicitor, who lends money at 60 per cent discount, and Mr. Herbert Wright, of Birmingham, who does the same thing. We should be exceedingly sorry to say anything disrespectful of these gentlemen, and it is perhaps, a professional prejudice which instigates the opinion that none of the medical witnesses would suffer by comparison with them.

But Palmer himself, it may be said, was a medical man. This we apprehend to be a grievous mistake. He had been a medical man; but he had deserted the profession, and had become a horse racer and a gambler. He was scarcely more a surgeon than Cook was a solicitor. Had he remained in the profession of medicine, he would not have been exposed to the fierce temptations which drew him onwards to the gulph of crime. Had he remained a village surgeon, he would not have acquired the intense selfishness and daring of a practised gambler. His crimes were the result of the turf, his character was formed upon the turf. He was the companion, if not the compeer, of racing gentlemen and noblemen, and not of those labourious and unambitious men who confer the blessings of medical science upon our country

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districts. He was no more a village doctor than Prince Talleyrand was a Catholic priest, or than the Oliver Cromwell of history, was a brewer of beer. Let not this fact be lost sight of, not only for the credit of a most honourable profession, but for the sake of the moral which it points. The first step taken by William Palmer to the gallows, was the first bet he laid upon a horse race. He was one of the monstrous progeny of, *The Turf*, a name given to that system which has resulted from the mixed love of sport and of gambling among the English aristocracy, a system which produces the fastest of horses, and the most daring of gamblers; even men who can game and cheat where the stakes are life, and pay the penalty with seeming unconcern, should the race be lost. Such a man was William Palmer.

J. C. B.

The Prosecution of a Medical Superintendent for Manslaughter.

A profound sensation has been created among superintendents and alienist physicians by the prosecution, at the instance of the commissioners in lunacy, of Mr. Snape, the superintendent of the men's wards of the Surrey asylum, for the alleged manslaughter of a patient named Daniel Dolly.

The circumstances, as stated by Mr. Bodkin at the Bow-street police court, are briefly as follow:—Dolly was reported to be in a state of violent excitement. Mr. Snape took him to the shower-bath, with the intention of placing him therein. But before the door of the bath was opened, Dolly struck Mr. Snape a stunning blow on the head. Mr. Snape said to the attendant in charge of the patient, "I have never been struck by a patient before. Keep him in the bath half-an-hour, and give him a dose of the light-coloured mixture." He then left. The patient was kept in the bath twenty-eight minutes. After leaving the bath, he had the dose of medicine, containing two grains of tartar emetic. He was dressed. He then walked from the bath room, and sat in the day room. After a while, his countenance suddenly changed, and he died within fifteen or twenty minutes after leaving the bath.

We would willingly preserve silence upon this unfortunate case until after trial. It has, however, been freely commented

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